

Sixth Appellate District

San Jose, California

MONDAY, OCTOBER 7, 2002

H022437 SCHMIDT v. CITY OF SAN JOSE, et al.

The judgment is reversed. The matter is remanded to the trial court with directions to enter an order granting City's motion for summary adjudication of the first (age discrimination), third (breach of privacy), fourth (defamation), and fifth (breach of contract) causes of action. As to the second cause of action, the trial court is directed to enter an order granting City summary adjudication of the disability discrimination cause of action arising out of the dispatcher job and denying summary adjudication of the disability discrimination cause of action arising out of the clinic job. The trial court is also directed to enter an order denying County's motion for summary adjudication of the second cause of action for disability discrimination as to both the DOC and sheriff's department jobs and granting County's motion for summary adjudication of the third cause of action for breach of privacy. Parties shall bear their own costs on appeal. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)  
Filed October 7, 2002

TUESDAY, OCTOBER 8, 2002

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Wunderlich, J.; Rushing, J.; and W. Magsaysay, Deputy Clerk.

H021472 PEOPLE v. WILSON

Cause called and argued by Berndt Ingo Brauer appearing for Appellant and by Violet Lee, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H021423 PEOPLE v. PETERS

Cause called and argued by Jill A. Fordyce appearing for Appellant and by William M. Kuimelis, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Court recesses until the 1:30 p.m. calendar.

H022910 PEOPLE v. MULL

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Rushing, J.)  
Filed October 8, 2002

Sixth Appellate District

San Jose, California

Tuesday, October 8, 2002 (continued)

H024505 PEOPLE v. AUGMON

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)  
Filed October 8, 2002

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.  
Present: Bamattre-Manoukian, Acting P.J.; Wunderlich, J.; Mihara, J.; and R. W. Norvelle, Deputy Clerk.

H023808 PEOPLE v. MILLER

Cause called and the court receives notice that appellant's counsel, David D. Martin, is unable to appear. Ann P. Watham, Deputy Attorney General, appears for Respondent. Cause ordered submitted without oral argument.

H022914 PEOPLE v. HOGAN

Cause called and argued by William Robinson appearing for Appellant and by Dorian Jung, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023878 PEOPLE v. BUSTOS

Cause called and argued by Marilyn Masciarelli, Deputy District Attorney, appearing for Appellant and by Charles V. Stebley appearing for Respondent. Cause ordered submitted. Court adjourns.

H023977 PEOPLE v. MICHAEL G.

The order revoking probation is affirmed. The dispositional order is reversed and the case is remanded to the juvenile court for a new disposition. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)  
Filed October 8, 2002

Sixth Appellate District

San Jose, California

TUESDAY, OCTOBER 8, 2002 (continued)

H023798 AUTODISC, INC. v. ARDATH TALLEY, et al.

The judgment dismissing the second amended complaint in this case is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)

Filed October 8, 2002

WEDNESDAY, OCTOBER 9, 2002

H023927 PEOPLE v. ROMERO

The judgment is modified to reduce the restitution fine from \$1,400 to the statutory minimum of \$200. The trial court is directed to prepare an amended abstract of judgment reflecting this modification and to forward a certified copy of the amended abstract to the Department of Corrections. As so modified, the judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Elia, J., Mihara, J.)

Filed October 9, 2002

H023676 PEOPLE v. YANG

The order imposing probation conditions is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., I concur in the judgment only: Rushing, J.)

Filed October 9, 2002

H023743 PEOPLE v. SANDOVAL

The judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Wunderlich, J., Rushing, J.)

Filed October 9, 2002

THURSDAY, OCTOBER 10, 2002

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; Wunderlich, J.; and Jane V. Flor, Deputy Clerk.

H022362 PEOPLE v. GONZALES

Cause called and argued by Paul Couenhoven appearing for Appellant and by Sharon Wooden, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, October 10, 2002 (continued)

H023704 KINDER v. GOURLEY, As Director, etc.

Cause called and argued by Mary Susan Cain, Deputy Attorney General, appearing for Appellant and by Arthur Dudley appearing for Respondent. Cause ordered submitted.

H023019 TURCO, et al. v. CITY OF SAN JOSE, et al.

Cause called and argued by Michael Reedy appearing for Appellants and by Michael J. Dodson, Deputy City Attorney, appearing for Respondents. Cause ordered submitted.

Wunderlich, J. leaves the bench and Rushing, J. takes the bench.

H022168 PEOPLE v. ZAVALA, JR.

Cause called and argued by George Schraer appearing for Appellant and by Jeffrey M. Laurence, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H022565 PEOPLE v. PACINI

Cause called and argued by Jean F. Matulis appearing for Appellant and by Violet Lee, Deputy Attorney General, appearing for Respondent. Cause ordered submitted upon receipt of simultaneous supplemental letter briefs not to exceed five pages.

H022669 PEOPLE v. FLORES

Cause called and argued by Sara Theiss appearing for Appellant and by Catherine A. McBrien, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; Rushing, J.; and S. Nasson, Deputy Clerk.

H023026 PEOPLE v. CARPIO

Cause called and argued by Allan Junker appearing for Appellant and by Dorian Jung, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, October 10, 2002 (continued)

H021863 PEOPLE v. DODSON

Cause called and argued by Richard Ingram appearing for Appellant and by Ann Wathen, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H022151 PEOPLE v. COUSINS

Cause called and argued by Jill Fordyce appearing for Appellant and by Thomas Brady, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023183 PEOPLE v. FARELL

Cause called and argued by Thomas Nolan appearing for Appellant and by Moona Nandi, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Court adjourns.

FRIDAY, OCTOBER 11, 2002

H022139 PEOPLE v. OLIVOS

By the Court\*:

Appellant's petition for rehearing is denied.

Filed: October 11, 2002

\*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and Rushing, J.

H020580 PEOPLE v. SCHMIDT

The order committing appellant to the California Youth Authority is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; I concur: Wunderlich, J., dissenting opinion by Rushing, J.)

Filed October 11, 2002

H023106 PEOPLE v. HERNANDEZ

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed October 11, 2002

Sixth Appellate District

San Jose, California

Friday, October 11, 2002 (continued)

H022879 PEOPLE v. NAVARRO

The judgment is reversed, and the matter is remanded to the trial court for a possible retrial of the allegation that defendant's 1998 San Joaquin County conviction for violating section 245, subdivision (a)(1) is a "serious" felony under section 1192.7. (*People v. Monge* (1997) 16 Cal.4th 826, 829-845; *People v. Cortez* (1999) 73 Cal.App.4th 276, 284.) If the prior conviction allegation is found true, the trial court shall reinstate the judgment; if the allegation is not proved, the trial court shall resentence defendant. (not published) (Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed October 11, 2002

H023123 In re EDUARDO D., et al.; DFCS v. ENRIQUE D.

H023464 In re EDUARDO D., et al.; DFCS v. ENRIQUE D.

The orders appealed from are affirmed. (not published) (Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)

Filed October 11, 2002

H023784 PEOPLE v. JUAN C.

The jurisdictional and dispositional orders are affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed October 11, 2002